IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 55 of 1995

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KISHORE P.LAL

Versus

VADODRA STOCK EXCHANGE LTD

Appearance:

1. Special Civil Application No. 55 of 1995

NOTICE SERVED for Petitioner No. 1

MR NILESH A PANDYA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 27/12/2004

ORAL JUDGEMENT

#. Though served none appears on behalf of the petitioner.

#. In this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for appropriate writ, order or direction directing the respondents to provide adequate space to the petitioner for the purpose of STD PCO service at the newly constructed premises of the respondent - Stock Exchange. Alternatively, it is also prayed for appropriate writ, order or direction directing the respondent not to evict or remove the petitioner from the existing premises i.e. Paradise Complex without following proper procedure of law.

#. It appears from the memo of the petition that the petitioner was given some space for the purpose of running STD PCO service at Paradise Complex. That in view of the fact that the stock exchange building at Vadodara was to be shifted to the new building and the applications / proposals were invited from the reputed suppliers / manufacturers for providing telecommunication solutions for the new building vide advertisement dated 28.11.1994, the petitioner approached the respondent Stock Exchange, Vadodara and requested the respondent to allot space to the petitioner at the new building for the purpose of running STD PCO booth. The said application was submitted on 28.11.1994. It appears from the petition and communication that the petitioner was informed that as the petitioner was not having found adequate PCO facility for the local calls and difficulties were being faced by the members due to overloading of the system, whether to provide the space to the petitioner for the purpose of running STD PCO booth at the new stock exchange building is concerned, straightaway petition under Article 226 of the Constitution of India is not maintainable. It is ultimately for the respondent to consider the case of the petitioner along with other applicants / manufacturers / suppliers for providing telecommunication solutions for the new building. Under the circumstances, the present petition for the aforesaid prayer is dismissed.

#. So far as the alternative prayer directing the respondent not to evict and/or remove the petitioner from the premises i.e. Paradise Complex is concerned, it goes without saying that the same will be done in accordance with law and after following due procedure of law.

#. With these observations, the present petition is dismissed. Notice discharged. Interim relief, if any, granted stands vacated.

(M.R.Shah,J)

(pathan)